

MINUTES  
**SENATE TRANSPORTATION COMMITTEE**

**DATE:** Thursday, February 23, 2017

**TIME:** 1:30 P.M.

**PLACE:** Room WW53

**MEMBERS PRESENT:** Chairman Brackett, Senators Winder, Hagedorn, Den Hartog, Lodge, Harris, and Buckner-Webb

**ABSENT/ EXCUSED:** Vice Chairman Nonini and Senator Keough

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the Committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Brackett** convened the meeting of the Senate Transportation Committee (Committee) at 1:35 p.m. He noted that Vice Chairman Nonini and Senator Keough had excused business outside the Committee.

**Chairman Brackett** shared an invitation from the Women in Transportation Seminar (WTS) with the Committee members. He had the Committee Page distribute a set of photos and information regarding preliminary damage to roads and highways throughout Idaho due to the severe winter weather that was provided by Laura Lantz of the Idaho Association of Highway Districts.

**VOTE ON GUBERNATORIAL REAPPOINTMENT:** **Chairman Brackett** asked for a motion on the reappointment of Dwight Horsch of Pocatello to the Idaho Transportation Board (ITB) to serve a term commencing January 31, 2017 and expiring January 31, 2023.

**MOTION:** **Senator Harris** moved to approve the reappointment of **Dwight Horsch** to the **Idaho Transportation Board**. **Senator Lodge** seconded the motion. The motion passed by **voice vote**. **Chairman Brackett** said he would carry the reappointment on the Senate floor.

**H 78** **Updating Idaho Code's Unattended Motor Vehicle section to allow driver's such activities as starting their vehicle's engine to warm it up or starting their vehicle with a remote control device.** **Chairman Brackett** invited Representative Harris of Legislative District 21 to present **H 78**.

**Representative Harris** said that according to Idaho Code's Unattended Motor Vehicle statute, a driver cannot leave their idling vehicle unattended. **H 78** replaces existing language with locking the vehicle if the engine is turned on. This provision does not apply to motor vehicles on private property.

**MOTION:** **Senator Hagedorn** moved to send **H 78** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion passed by **voice vote**. **Senator Hagedorn** offered to carry the bill on the Senate floor.

**H 132** **Provides for an exception to set highway speed limits when passing a vehicle on Idaho highways that have one lane of traffic in each direction.** **Chairman Brackett** invited Representative Clow of Legislative District 24 to present **H 132**.

**Representative Clow** described why he introduced the bill by explaining the inequity of receiving a speeding ticket for passing another vehicle that was moving slower than the speed limit. **H 132** only applies to Idaho highways with one lane of traffic in each direction. No other traffic statutes are changed. He cited that similar laws existed in Wyoming and in Washington States.

As an example, **Representative Clow** said if a driver is following a vehicle traveling less than 55 miles per hour (mph), this bill allows the driver to accelerate up to 15 mph above the posted speed limit in order to pass. Once past the slower vehicle the driver must return to the posted speed limit. The Idaho State Police (ISP) have no objections to the bill. He referred to a handout in the Committee members' packets showing speed studies which led to the 15 mph increased acceleration rate while passing. The fiscal note is written as no impact because there is no notation on a speeding ticket explaining a violator was speeding while passing another vehicle, so the fiscal impact cannot be calculated. He went through the bill and concluded by stating that this legislation is a balance between human behavior and safety.

**MOTION:**

**Senator Harris** moved to send **H 132** to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. The motion passed by **voice vote**. **Senator Harris** offered to carry the bill on the Senate floor.

**PASS THE  
GAVEL:**

Chairman Brackett passed the gavel to Senator Winder.

**S 1107**

**Amends the skills test fees' existing law for Commercial Driver's Licenses (CDL).** **Senator Winder** invited Chairman Brackett to present **S 1107**.

**Chairman Brackett** noted that **RS 25304**, which became **S 1107**, was printed via a Unanimous Consent buckslip of all Committee members sending the RS to the Senate Judiciary and Rules Committee for print.

**Chairman Brackett** stated that **S 1107** would allow the free market to determine prices for the CDL skills testing with a cap of \$190. The Idaho Transportation Department (ITD) will continue to receive \$10 for administrative purposes making the total maximum fee that can be charged \$200. Idaho's CDL skills tester fee is considered low compared to other States. The majority are \$100 or more with an average of \$122. Also, testers will be required to carry a bond starting July 1, 2017.

Last year Idaho lost 10 percent of its testers. Some retirements, some just leaving the profession for a variety of reasons, but low fees has definitely been a factor. With a shortage of drivers in the trucking industry, Idaho needs to do what it can to encourage its testers to stay. **Chairman Brackett** concluded by going through the bill.

**Senator Harris** asked if the bond was supposed to be in the bill. **Chairman Brackett** said it was part of the federal law and not in this bill.

**Senator Harris** asked if ITD could respond to whether the \$60 fee on page 12, line 1 was supposed to be changed to \$190. **Alan Frew**, Administrator of ITD's Division of Motor Vehicles (DMV), responded that \$60 is for a restricted driving permit which is different than a CDL.

**Senator Hagedorn** remembered that in 2008 legislation was passed that raised a lot of costs and permits. He wondered if this fee was increased in 2009.

**Mr. Frew** acknowledged it was increased in 2009, but the fee to testers went from \$50 to \$60.

**Senator Den Hartog** asked if the effective date on the last page is specific to ITD's information technology system. **Mr. Frew** replied that the license timeframe is in November.

**Senator Hagedorn** asked if in 2009, when the last increase took place, were fees adjusted in order to raise the money needed to improve DMV's information technology system by changing to the new system? Isn't DMV still upgrading that system, and if so, maybe the Committee should wait until DMV's system upgrade is complete.

**Chairman Brackett** commented on two points: 1.) Idaho has lost 10 percent of its testers; and 2.) before Idaho can have drivers, it needs testers.

**Mr. Frew** responded that in this case, none of the increase in **S 1107** comes to ITD, the increase up to \$190 goes directly to the testers. When the fee increased in 2009, ITD was receiving less than \$10 per CDL testing. This legislation keeps ITD's testing fee at the same rate the legislation effective in 2009 ensured, or \$10 per CDL testing.

**MOTION:**

**Senator Den Hartog** moved to send **S 1107** to the floor with a **do pass** recommendation. **Senator Lodge** seconded the motion. The motion passed by **voice vote**. **Senator Hagedorn** voted nay. **Chairman Brackett** will carry the bill on the Senate floor.

**PASS THE  
GAVEL:**

Senator Winder returned the gavel to Chairman Brackett.

**ADJOURNED:**

With no further business before the Committee, **Chairman Brackett** adjourned the meeting at 2:03 p.m.

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Senator Brackett  
Chair

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Gaye Bennett  
Secretary